

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERNATIONAL COMMERCE
DEVELOPMENT, S.A.,
TIMOTHY HAWLEY JOHNSON, and
CLAUDIA GUADALUPE BARRERA,

Plaintiffs,

-against-

CORPORACIÓN LAJAT, S.A. de C.V., and
HOUSE OF LAJAT, S.A. de C.V.

Defendants.

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C.S. BROOKS, INC., and
MASTERCRAFT TEXTILES, LTD.,

Plaintiffs,

-against-

CORPORACIÓN LAJAT, S.A. de C.V., and
HOUSE OF LAJAT, S.A. de C.V.,

Defendants.

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ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER

02 Civ. 9999 (AKH)

02 Civ. 10156 (AKH)

These cases were removed to this court from New York state court on December 18, 2002, and consolidated by my Order dated January 8, 2003. The parties appeared for oral argument on March 12, 2003, on the motion for a stay of arbitration by Plaintiffs International Commerce Development, Timothy Hawley Johnson, Claudia Guadalupe Cuellar Barrera, C.S. Brooks, Inc., and Mastercraft Textiles, Ltd., and on the motion by Plaintiffs International Commerce Development, Timothy Hawley Johnson, and Claudia Guadalupe Cuellar Barrera for summary judgment.

My Order dated March 14, 2003 granted Timothy Hawley Johnson, and

Claudia Guadalupe Cuellar Barrera's motion for summary judgment and vacated the arbitration demand against them. My Order also denied International Commerce Development's motion for summary judgment and stayed arbitration against them on the condition that the parties enter into a tolling agreement. Finally, my Order stayed arbitration against Plaintiffs C.S. Brooks, Inc. and Mastercraft Textiles, Ltd. on the condition that the parties enter into a tolling agreement. No such tolling agreements have been presented to the Court. My Order dated March 14, 2003 also required that periodic reports be made on the progress of the Mexican proceeding, beginning with a first report December 1, 2003 and a report every six months thereafter. No such reports have been presented to the Court.

My Order dated August 26, 2004 granted Holland & Knight's motion to withdraw as counsel for Plaintiffs International Commerce Development, Timothy Hawley Johnson, and Claudia Guadalupe. Plaintiffs International Commerce Development, Timothy Hawley Johnson, and Claudia Guadalupe Cuellar Barbera have not contacted the Court in the four months since counsel withdrew.

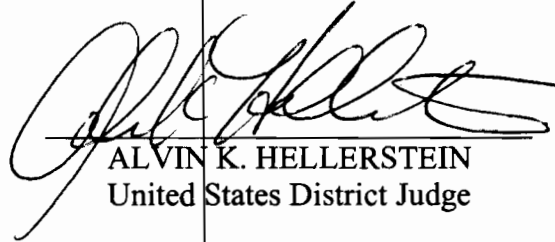
By letter dated October 5, 2005, Plaintiffs C.S. Brooks and Mastercraft informed the Court that a Mexican court ruled on the issue of the assignment of contracts to Defendants in January 2004; the appeal of that decision is pending. By memo endorsement of that letter, I denied the motion of Plaintiffs C.S. Brooks and Mastercraft to vacate the demand for arbitration. Plaintiffs C.S. Brooks and Mastercraft have not contacted the Court in the four months since I denied their motion to vacate the demand for arbitration.

All parties are hereby ordered to appear for a status conference in the case on January 27, 2006 at 9:30 am in Courtroom 14D, 500 Pearl Street, New York, New York, and show cause there and then why this case should not be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated:

New York, New York
January 4, 2006



ALVIN K. HELLERSTEIN
United States District Judge